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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,376	04/22/2004	Elisabetta Carrea	003-130	7097

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CERMAK & KENEALY LLP
515 E. BRADDOCK RD
SUITE B
ALEXANDRIA, VA 22314

EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This office action is in response to the amendment and remarks filed 7/6/06. Since the examiner has applied new grounds of rejection, this office action is being made non-final to afford the applicant the opportunity to respond to the new grounds of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 20-22, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by **Sherman et al. (US. 3,851,467)**.

With respect to claims 1-3 and 41, **Sherman** teaches a gas turbine comprising: a compressor for compressing an oxidant and heating said oxidant by compression work in said compressor, a combustion chamber adapted to accept the compressed oxidant and including an exit means for flue gas and a turbine, wherein flue gas exiting the combustion chamber is re-circulated at a rate of from 100% to 200% and wherein said flue gas is re-circulated inside the combustion chamber. See particularly Figure 1 and column 1 lines 39-40.

With respect to claims 20-22 and 42, since **Sherman** has the same structure as claimed, it is inherent that **Sherman's** device would be able to perform the recited method steps. See particularly Figure 1 and column 1 lines 39-40.

Allowable Subject Matter

3. Claims 8 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 20-22, 41 and 42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brandon et al. (US 3,826,083) teaches a gas turbine comprising: a compressor for compressing an oxidant and heating said oxidant by compression work in said compressor, a combustion chamber adapted to accept the compressed oxidant and including an exit means for flue gas and a turbine, wherein flue gas exiting the combustion chamber is re-circulated at a rate of 200% or better and wherein said flue gas is re-circulated inside the combustion chamber. See particularly Figure 1 and column 1 lines 39-40. Notice that the range being claimed of from 100% to 200% is anticipated by Brandon's re-circulation rate of 200%.

Wunning (US 5,154,599) teaches a combustion chamber adapted to accept a compressed oxidant and including an exit means for flue gas, wherein flue gas exiting the combustion chamber is re-circulated at a rate of 200% or better and wherein said flue gas is re-circulated inside the combustion chamber. See particularly Figures 1, 2 and 4; and abstract, column 2 lines

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39-40. Notice that the range being claimed of from 100% to 200% is anticipated by Wunning's re-circulation rate of 200%.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 8/18/06
William H. Rodríguez
Primary Examiner
Art Unit 3746